

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: PHILIPS RECALLED CPAP, BI-LEVEL PAP, AND MECHANICAL VENTILATOR PRODUCTS LIABILITY LITIGATION

Master Docket: Misc. No. 21-01230

This Document Relates To:
All Actions

MDL NO. 3014

JOINT NOTICE OF UPDATED TIMELINE OF PERTINENT MDL DATES

The parties jointly submit this updated timeline of upcoming deadlines in *In Re: Philips Recalled CPAP, Bi-Level PAP, and Mechanical Ventilator Products Litigations* (MDL No. 3014).¹

Date	Event	ECF No.
5/25/2023	Argument on Emergency Motion to Exclude Witness Testimony of Deborah Roux	Text Order
6/13/2023 ²	Hearing on Koninklijke Philips N.V.'s Motions to Dismiss for Lack of Personal Jurisdiction	Text Order
6/15/2023	Deadline to confer with Settlement Mediator Welsh regarding process and general schedule for mediation of medical monitoring claims, including information exchange to facilitate mediation.	1911
7/10/2023	Hearing on Motions to Dismiss pending before Special Master Vanaskie	1855
7/11/2023	Hearing on Motions to Dismiss pending before Special Master Vanaskie	1855
8/31/2023	Deadline for any Plaintiffs' motions to remand to state court	1901
8/31/2023	Plaintiffs' and Defendants' document productions to be substantially complete for Economic Loss and Medical Monitoring class actions	1911

¹ The Parties intend this notice to be a reference resource for the Court. The Parties do not intend this notice and the summaries of the deadlines to supersede the terms in the Court's orders.

² The Parties are currently discussing whether they will need to request that the June 13 evidentiary hearing be rescheduled on account of other commitments the parties previously scheduled related to this MDL. The Parties intend to update the Court at the May 25, 2023 status conference.

Date	Event	ECF No.
10/31/2023	Deadline to file Defendants' Responses to any motions to remand to State Court (or Consolidated Response, if determined to be more efficient and effective	1901
11/30/2023	Deadline to file Plaintiffs' Replies in support of any motions to remand to State Court	1901
1/16/2024	Plaintiffs' 26(a)(2) expert disclosures relevant to class certification, for Economic Loss class action	1911
2/28/2024	Conclusion of all fact discovery related to class certification, including Party and non-party fact depositions, for both Economic Loss and Medical Monitoring class actions	1911
3/1/2024	Defendants' 26(a)(2) expert disclosures relevant to class certification, for Economic Loss class action	1911
3/15/2024	Plaintiffs' 26(a)(2) expert disclosures relevant to class certification, for Medical Monitoring class action	1911
4/1/2024	Plaintiffs' 26(a)(2) rebuttal disclosures relevant to class certification for Economic Loss class action	1911
5/1/2024	Deadline to complete expert depositions relevant to class certification for Economic Loss class action Defendants' 26(a)(2) expert disclosures relevant to class certification for Medical Monitoring class action	1911
6/3/2024	Plaintiffs file motion for class certification for Economic Loss class action	1911
6/10/2024	Plaintiffs' 26(a)(2) rebuttal disclosures relevant to class certification for Medical Monitoring class action	1911
7/1/2024	Defendants file class certification opposition for Economic Loss class action	1911
7/15/2024	Deadline to complete expert depositions relevant to class certification for Medical Monitoring class action	1911
8/1/2024	Plaintiffs file class certification reply for Economic Loss class action	1911
8/15/2024	Plaintiffs file motion for class certification for Medical Monitoring Class Action	1911

Date	Event	ECF No.
8/21/2024	Parties file Rule 702/Daubert motions on class certification issues for Economic Loss class action	1911
9/20/2024	Oppositions to Rule 702/Daubert motions on class certification issues for Economic Loss class action	1911
10/1/2024	Defendants file class certification opposition for Medical Monitoring class action	1911
10/2024 or 11/2024	Potential hearing date on class certification and related Rule 702/Daubert issues for Economic Loss class action, subject to Court's scheduling	1911
11/1/2024	Plaintiffs file reply in support of class certification for Medical Monitoring class action	1911
12/6/2024	Parties file Rule 702/Daubert motions on class certification issues for Medical Monitoring class action	1911
1/6/2025	Parties file Rule 702/Daubert oppositions on class certification issues for Medical Monitoring class action	1911
2/2025 or 3/2025	Potential hearing date for Rule 702/Daubert motions on class certification experts for Medical Monitoring class action, subject to Court's scheduling	1911

Pursuant to Pretrial Order #28 (ECF No. 783), the following procedures and deadlines apply to the Amended Master Personal Injury Complaint and Individual Short Form Personal Injury Complaints.

Date	Event
Within sixty (60) days of the date on which the Court issues a ruling as to its motion to dismiss the Amended Master Personal Injury Complaint ³	Deadline for Defendant to file a Master Answer to the Amended Master Personal Injury Complaint.

³ If a motion to dismiss the Amended Master Personal Injury Complaint does not result in the dismissal of the Amended Master Personal Injury Complaint in its entirety, and provided that the Court does not grant leave to amend the Amended Master Personal Injury Complaint.

Date	Event
Within forty-five (45) days of the date on which the Court issues a ruling granting Plaintiffs' Co-Lead Counsel leave to amend the Amended Master Personal Injury Complaint	Deadline for Plaintiffs' Co-Lead Counsel to file a Second Amended Master Personal Injury Complaint
Within fourteen (14) days of filing a Short Form Complaint	Deadline for Personal Injury Plaintiffs to upload their Short Form Complaint to the online MDL Centrality System accessible at www.mdlcentrality.com/ pursuant to Pretrial Order # 27
Within twenty-one (21) days after service of the Master Answers to the Amended Master Personal Injury Complaint by Defendants	Deadline for any Personal Injury Plaintiff, who has filed a Short Form Complaint, to amend the same for any reason
Within twenty-one (21) days after service of Short Form Complaint	Deadline for any Personal Injury Plaintiff, who files a Short Form Complaint after the filing of the Master Answers to the Amended Master Personal Injury Complaint, to amend the same for any reason
Within twenty-one (21) days after selection for inclusion in the pool from which bellwether cases are to be selected	Deadline for any Personal Injury Plaintiff, whose case is subsequently chosen for inclusion in the pool from which bellwether cases are to be selected, to amend his or her Short Form Complaint

Date: May 23, 2023

Respectfully submitted,

/s/ John P. Lavelle, Jr.
 John P. Lavelle, Jr.
 Lisa C. Dykstra
MORGAN, LEWIS & BOCKIUS LLP
 1701 Market Street
 Philadelphia, PA 19103-2921
 T 215.963.5000
 john.lavelle@morganlewis.com
 lisa.dykstra@morganlewis.com

/s/ Wendy West Feinstein
 Wendy West Feinstein
MORGAN, LEWIS & BOCKIUS LLP
 One Oxford Center, 32nd Floor
 Pittsburgh, PA 15219-6401
 T 412.560.3300
 wendy.feinstein@morganlewis.com

Counsel for Defendant Philips RS North America, LLC

/s/ Kelly K. Iverson
 Kelly K. Iverson
LYNCH CARPENTER, LLP
 1133 Penn Avenue, 5th Floor
 Pittsburgh, PA 15222
 (412) 322-9243 (phone)
 kelly@lcllp.com

/s/ Christopher A. Seeger
 Christopher A. Seeger, Esquire
SEAGER WEISS LLP
 55 Challenger Road, 6th Floor
 Ridgefield Park, NJ 07660
 (973) 639-9100 (phone)
 cseeger@seagerweiss.com

/s/ Sandra L. Duggan
 Sandra L. Duggan, Esquire
LEVIN SEDRAN & BERMAN LLP

/s/ Michael H. Steinberg
Michael H. Steinberg
SULLIVAN & CROMWELL LLP
1888 Century Park East
Los Angeles, CA 90067
T (310) 712-6670
steinbergm@sullcrom.com

/s/ Tracy Richelle High
Tracy Richelle High
William B. Monahan
SULLIVAN & CROMWELL LLP
125 Broad Street
New York, NY 10004
T (212) 558-7375
hight@sullcrom.com
monahanw@sullcrom.com

Counsel for Defendants Koninklijke Philips NV, Philips North America LLC, Philips Holding USA Inc., and Philips RS North America Holding Corporation

/s/ Eric Scott Thompson
Eric Scott Thompson
FRANKLIN & PROKOPIK
500 Creek View Road, Ste. 502
Newark, DE 19711
302-594-9780
ethompson@fandpnet.com

Attorney for Defendant Polymer Technologies, Inc. Elastomeric Solutions Division

510 Walnut Street, Suite 500
Philadelphia, PA 19106
(215) 592-1500 (phone)
(215) 592-4633 (fax)
sduggan@lfsblaw.com

/s/ Steve A. Schwartz
Steve A. Schwartz
CHIMICLES SCHWARTZ KRINER & DONALDSON-SMITH LLP
361 West Lancaster Avenue
One Haverford Centre
Haverford, PA 19041
(610) 642-8500 (phone)
steveschwartz@chimicles.com

Plaintiffs' Co-Lead Counsel

/s/ D. Aaron Rihn
D. Aaron Rihn, Esquire
ROBERT PEIRCE & ASSOCIATES, P.C.
707 Grant Street
Suite 125
Pittsburgh, PA 15219
412-281-7229
412-281-4229 (fax)
arihn@peircelaw.com

Plaintiffs' Co-Liaison Counsel

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was filed via the Court's CM/ECF system on this 23rd day of May 2023 and is available for download by all counsel of record.

/s/ D. Aaron Rihn

D. Aaron Rihn, Esquire
PA I.D. No.: 85752
ROBERT PEIRCE & ASSOCIATES, P.C.
707 Grant Street
Suite 125
Pittsburgh, PA 15219
Tel: 412-281-7229
Fax: 412-281-4229
arihn@peircelaw.com